

DEPARTMENT OF TRANSPORTATION**Research and Special Programs
Administration****49 CFR Parts 172 and 173**

[Docket HM-187; Notice No. 83-2]

**Requirement for Small Arms
Ammunition****AGENCY:** Materials Transportation
Bureau, Research and Special Programs
Administration, DOT.**ACTION:** Notice of proposed rulemaking.**SUMMARY:** This notice proposes to authorize certain types of small arms ammunition to be classed and offered for shipment as ORM-D under the Department's Hazardous Materials Regulations. This change, if adopted, will eliminate the requirements for shipping papers to accompany the shipment.**DATE:** Comments must be received by August 1, 1983.**ADDRESS:** Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. The Dockets Branch is located in room 8426 of the Nassif Building, 400 Seventh Street, S.W., Washington, D.C. Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday.**FOR FURTHER INFORMATION CONTACT:** Thomas J. Charlton, Chief, Standards Division, Office of Hazardous Materials Regulations, Materials Transportation Bureau, U. S. Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 462-2075.**SUPPLEMENTARY INFORMATION:** On June 30, 1982, the Sporting Arms and Ammunition Manufacturers Institute, Inc. (SAAMI) petitioned the Office of Hazardous Materials Regulation (OHMR) to authorize the transportation of small arms ammunition classed as ORM-D instead of Class C explosive. The Materials Transportation Bureau (MTB) considers the SAAMI request to have merit but to be too broad in scope because small arms ammunition includes such devices as tear gas cartridges, tracer cartridges for machine guns, and seat ejector cartridges for aircraft. However, MTB is proposing that limited types of small arms ammunition which are used in rifles,

shotguns, and pistols be classed as ORM-D. The SAAMI proposal suggested an additional "Small arms ammunition" entry in 49 CFR 172.101. The entry "Small arms ammunition" with the hazard class ORM-D is proposed to be added to the hazardous materials table.

Years of experience in shipping small arms ammunition indicate that these devices present only a very small hazard in transportation and this has been confirmed by extensive tests conducted by SAAMI. The MTB has reviewed a documentary film of the SAAMI tests and arrangements can be made for this film to be viewed by any interested person. Most of the weight in a small arms shipment is in the projectiles and the shell or cartridge cases. There is only a relatively small amount of propellant explosive present. For example, in shot shells the weight of the propellant powder is only about 4% and in rifle cartridges only about 8% of the total weight. There is no significant hazard from the shot or bullets in a fire because they are not accelerated unless the ammunition is fired in a weapon.

Information furnished by SAAMI indicates that savings to their members on shipments by one motor carrier alone would be approximately \$100,000 per year. Although MTB does not have

specific data on the numbers of shipments by other shipper (such as distributors) and by other carriers it is believed that the annual savings on these shipments would also be substantial. MTB solicits comments from interested parties on the cost savings and burden reduction associated with this proposal, including specific data to quantify these savings.

Under existing regulations, small arms ammunition is not required to be in specification packaging and is not required to be labeled. This proposal

would permit a different marking on the packages and would eliminate the need for shipping papers for surface transportation.

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging, Containers.

49 CFR Part 173

Hazardous materials transportation, Packaging, Containers.

In consideration of the foregoing, Parts 172 and 173 of Title 49 of the Code of Federal Regulations would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table would be amended by adding the following entry:

§ 172.101 Hazardous Materials Table.

(1) + EAW	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					Excep- tions	Specific require- ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pas- senger vessel	Other require- ments
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Small arms ammunition.....	ORM-D.....		None.....	None	173.1201	65 pounds gross.	65 pounds gross.	1,3	1,3	

2. Section 173.101 would be amended by adding paragraph (g) to read as follows:

§ 173.101 Small-arms ammunition.

* * *

(g) Special exceptions for shipment of certain types of small arms ammunition in the ORM-D class are provided in Subpart N of this part.

3. Subpart N of Part 173 would be amended by adding a new § 173.1201 as follows:

§ 173.1201 Small arms ammunition.

Small arms ammunition offered for transportation under provision of this section may only be ammunition for rifle, pistol, or shotgun containing either inert projectiles or blank ammunition. Small arms ammunition offered for transportation under provision of this section may not have any tear gas, incendiary or detonating explosive components, and may not be larger than 10 gauge for shot shells and 45 caliber for rifle and pistol ammunition. It must be packed in pasteboard or other inside boxes, in partitions designed to fit snugly in the outside packaging, or in metal clips. Partitions and metal clips must be so designed as to protect the primers from accidental initiation. Inside boxes, partitions, and metal clips must be packed in securely closed strong outside wooden or fiberboard boxes.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1 and paragraph (a)(3) of App. A to Part 106)

Note.—The MTB has determined that this document will not result in a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 CFR 11034) and does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). I certify that this document will not have a significant economic impact on a substantial number of small entities because the overall economic impact of this document will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C., on May 23, 1983.

Alan I. Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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